

Chapter 10 – 24-Hour Contribution Reports (Form 497)

In order for voters to be fully informed as to the funding of election campaigns, the Act requires committees to file immediate reports disclosing money spent in elections. Government Code Section 84203 requires, during the 90-day period before an election, general purpose committees to report contributions of \$1,000 or more made in connection with an election. This provides voters timely information about groups participating in the election. The report, Form 497, is due within 24 hours from the time the contribution is made. In addition, state committees that make contributions to state ballot measures file the form outside the 90 day reporting period.

A. State Committees

State committees must file the Form 497 within 24 hours of the following payments:

- Contributions that total in the aggregate \$1,000 or more made to a candidate, officeholder, or ballot measure committee within the 90-day election cycle.
- Contributions that total in the aggregate \$1,000 or more made to a state or county political party committee within 90 days before any state election.
- Contributions that total in the aggregate \$1,000 or more made to a candidate in a CalPERS or CalSTRS election within 90 days before an election.

State committees that are required to file electronically must file the Form 497 within 10 business days for the following payments:

- Contributions that total \$5,000 or more made to support or oppose a single state ballot measure. This report must also disclose donors to the general purpose committee who have not been previously reported on a campaign statement.

Filing deadlines are extended to the next business day on Saturdays, Sundays, and official state holidays. An extension does not apply on the Saturday, Sunday or an official state holiday immediately prior to an election. Committees should refer to the relevant FPPC filing schedule for specific deadlines.

Where To File: All state committees file the Form 497 electronically with the Secretary of State. This includes committees that have not yet reached the \$25,000 electronic filing threshold. No paper copies of this report are required and no copies are required to be filed with other filing officers.

B. Local Committees

Local committees must file the Form 497 in the following situations:

- Contributions that total in the aggregate \$1,000 or more made to a candidate or ballot measure committee within the 90 days before an election.
- Contributions made before a local election that are required by local ordinance to be reported within 24 hours. Check with the city clerk or county elections office to determine if there are such requirements in the jurisdiction.

- Contributions that total in the aggregate \$1,000 or more made to a state or county political party committee within 90 days before any state election.
- Contributions that total in the aggregate \$1,000 or more are made to a candidate in a CalPERS or CalSTRS election within 90 days before the election.

Where To File: File the Form 497 at the same locations the committee files its Form 460 (Recipient Committee Campaign Statement); generally the city or county elections office. The Form 497 must be filed by fax, guaranteed overnight delivery service, or personal delivery. Some jurisdictions require electronic submissions. Check with the local elections office.

[Example] Forty-five days before the November election, a general purpose committee, made a \$500 contribution to a candidate for city council. Ten days before the election, the committee made a \$600 contribution to the same candidate. Because the committee has now made contributions to the candidate that total in the aggregate \$1,000 or more, the Form 497 must be filed within 24 hours of making the second contribution. The day before the election, the committee provided the same candidate with the committee's third and final contribution of \$600. A second Form 497 is not required as the committee did not reach \$1,000 since the last report filed.

[Example] In 2013 several state special elections were held. A general purpose committee that made a contribution of \$1,000 or more to a political party within 90 days before any special election was required to file the Form 497.

[Example] A committee made a contribution of \$5,000 to a state officeholder's legal defense committee. The Form 497 must be filed if the contribution was made during the 90 days before the state officeholder's election.

[Quick Tip] A loan of \$1,000 or more that is forgiven during the 90-day period before the election triggers a 24-Hour Contribution Report (Form 497).

C. Non-Monetary Contribution Reports

A committee that anticipates making more than one non-monetary contribution to a single candidate, ballot measure committee, or political party committee during the 90 days before the election may, on or before the deadline, file a single Form 497 covering the period in which the non-monetary contributions will be made.

The report should disclose the total value of the non-monetary contributions that will be received, or if the actual value is not known at the time of filing, a good faith estimate of the value that will be made during the period. If the value of the non-monetary contributions received differs from the estimated amount by 20 percent or more, the estimated report must be amended within 24 hours from the date the committee knows the estimated value is incorrect.

A committee must notify the candidate or ballot measure committee of the contribution's value within 24 hours so that the committee fulfills its reporting requirement.

[Form example here...]

D. Completing the Form 497

Filer Information

Provide the committee's full name, telephone number, street address, city, state, zip code, and identification number.

Date of This Filing

Indicate the date of filing.

Report Number

Assign a unique number to each late contribution report, such as 1, 2, 3, PR-1, PR-2, PR-3, etc.

Number of Pages

Indicate the number of pages included in the report.

Contribution(s) Received

Local committees: This section is not required.

State E-filers: A committee is required to complete this part for each contribution of \$5,000 or more made in connection with a state ballot measure. List all new contributions of \$100 or more received by the committee that have not been previously reported up through the date of the \$5,000 or more payment. This section is not required for contributions made to local and state candidates, local ballot measures or political party committees. For specific guidance, see FPPC Regulation 18466.

Example: A state general purpose committee made a \$75,000 contribution to a state ballot measure committee in January. Within 10 business days, the state general purpose committee must file Form 497 and list all donors of \$100 or more since the last campaign report was filed (e.g., Form 460 or Form 497).

For Contributions Made, provide:

- The date made.
- The recipient's full name, street address and zip code. If the recipient is a committee, also enter the committee's identification number. In the case of a non-monetary contribution report the committee receiving the benefit of the contribution, not the vendor.
- The candidate's name and office sought or the ballot measure number or letter and jurisdiction.
- The amount of the contribution.
- For a contribution made to a city or county committee, enter the date of the election.

Amendments

To amend a previously filed Form 497, file a new Form 497 with the corrected information, the "Amendment" box checked, and indicate the reason for the amendment. The "Report Number" of the report being amended must be included. There is no deadline for filing amendments;

however, they should be filed as soon as practicable. File the amendment in the same location(s) as the original.

Answering Your Questions

Q. If a contribution of \$1,000 or more is made to one of a candidate's campaign committees (i.e., legal defense, ballot measure, past election), but not to the committee that is formed for the election triggering the 90-day reporting, are the candidate and/or the donor required to file a Form 497?

A. Yes. When a candidate is in a 90-day reporting period, each contribution of \$1,000 or more to any of his or her committees requires the Form 497 to be filed by both the candidate and the donor.

Q. A committee made a \$500 contribution to a candidate in a special primary election a few days before the election, and made a second contribution of \$500 a few days after the primary election when the candidate moved to the special general election. Both contributions were received during the 90 days before the general election. Is a Form 497 required to be filed by the donor and/or the candidate?

A. No. Because \$1,000 or more was not received in connection with one election, the Form 497 is not required to be filed.

Q. Must a committee file a Form 497 if a contribution is made to a state candidate committee for a 2014 election if the candidate has withdrawn from the election and does not appear on the certified list of candidates?

A. No. If a candidate is not on a certified list of candidates, thus not listed on a ballot, a Form 497 is not required to be filed within 90 days of the election.

Authority

The following Government Code sections and Title 2 regulations provide authority for the information in this chapter:

Government Code Sections

81004.5 *Reports and Statements; Amendments.*
82015 *Contribution.*
82036 *Late Contribution.*
84203 *Late Contribution; Reports*
84203.3 *Late In-Kind Contributions.*
84204.5 *Ballot Measure Contributions and Expenditures: Reports*

Title 2 Regulations

18116 *Reports and Statements.*
18215 *Contribution.*
18421.1 *Disclosure of the Making and Receipt of Contributions.*
18425 *24-Hour Contribution Reports.*
18466 *State Ballot Measure Contributions and Expenditures: Online Reports.*